

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2316

IN THE MATTER OF:

Served February 24, 1982

Investigation of Alleged Over-)
charges By and Order to Show Cause)
Directed Against ISAAC SOWEMIMO)

Case No. MP-82-02

Pursuant to Title II, Article XII, Section 13(b) of the Compact, "[t]he Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Act. . . ."

The Commission has jurisdiction over taxicabs and other vehicles used in performing bona fide taxicab service with respect to ". . . (i) the rate or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage." Compact, Title II, Article XII, Section 1(c). The Commission has received credible information, as outlined below, that Isaac Sowemimo, while operating a taxicab ^{1/} between two signatories to the Washington Metropolitan Area Transit Regulation Compact, has demanded and collected fares and charges in excess of the fares and charges prescribed in applicable orders establishing the lawful fares, charges and practices to be in effect.

Information received by the Commission from passenger complaints (Informal Complaint-IC) lodged against Mr. Sowemimo is as follows, with the assessed fare delineated and the proper fare identified in parentheses:

^{1/} Mr. Sowemimo drives a taxicab licensed in the District of Columbia and subject to a system of interstate rates based on odometer mileage.

1. I.C. # 4717 - On March 8, 1981, an unlawful charge of \$8.50 for the transportation of one passenger from Washington National Airport 2/ to a residence on Massachusetts Avenue, N. W., Washington, D. C. (\$7.10) 3/;
2. I.C. # 4729 - On March 11, 1981, an unlawful charge of \$10.75 for the transportation of two passengers 4/ traveling together from Washington National Airport 2/ to the Gramercy Inn, Washington, D. C. (\$6.35) 3/;
3. I.C. # 4752 - On April 16, 1981, an unlawful charge of \$10.75 for the transportation of two passengers 4/ traveling together from Washington National Airport 2/ to the L'Enfant Plaza Hotel, Washington, D. C. (\$5.15) 3/;
4. I.C. # 4763 - On April 11, 1981, an unlawful charge of \$9.15 for the transportation of two passengers 4/ traveling together from Washington National Airport 2/ to North Carolina Avenue, S. E., Washington, D. C. (\$5.95) 3/;
5. IC. # 4769 - On April 26, 1981, an unlawful charge of \$9.20 for the transportation of one passenger from Washington National Airport 2/ to N Street, N. W., Washington, D. C. (\$6.05) 5/;
6. I.C. # 4770 - On May 3, 1981, an unlawful charge of \$10 for the transportation of one passenger from Washington National Airport 2/ to New Jersey Avenue, N. W., Washington, D. C. (\$5.60) 5/;
7. I.C. # 4771 - On April 22, 1981, an unlawful charge of \$10.85 for the transportation of one passenger from Washington National Airport 2/ to Woodland Drive, N. W., Washington, D. C. (\$7.85) 5/;

-
- 2/ Fares for trips originating at Washington National Airport of one party include a \$.50 gate fee passed on to passengers.
 - 3/ Fare established pursuant to Order No. 2067 served December 6, 1979, and effective December 31, 1979.
 - 4/ Fare established pursuant to Order No. 2080, served January 29, 1980, with respect to the extra-passenger rate.
 - 5/ Fare established pursuant to Order No. 2213, served April 13, 1981, and effective April 20, 1981.

8. I.C. # 4799 - On May 6, 1981, an unlawful charge of \$11.95 for the transportation of one passenger from Washington National Airport 2/ to Cathedral Avenue, N. W., Washington, D. C. (\$7.85) 5/;
9. I.C. # 4794 - On May 9, 1981, an unlawful charge of \$9.95 for the transportation of two passengers 4/ from Washington National Airport 2/ to California Street, N. W., Washington, D. C. (\$7.25) 5/;
10. I.C. # 4857 - On May 31, 1981, an unlawful charge of \$33.80 for the transportation of one passenger from Washington National Airport 2/ to Michaels Drive, Bethesda, Md. (\$15.50) 5/;
11. I.C. # 4905 - On April 26, 1981, an unlawful charge of \$17.40 for the transportation of one passenger from Washington National Airport 2/ to Metzert Road, Adelphi, Md. (\$12.80) 5/;
12. I.C. # 4998 - On October 18, 1981, an unlawful charge of \$9.20 for the transportation of one passenger from Washington National Airport 2/ to Edgewood Street, N. E., Washington, D. C. (\$7.85) 5/;
13. I.C. # 5032 - On November 6, 1981, an unlawful charge of \$23.40 for the transportation of one passenger from Washington National Airport 2/ to Masters Drive, Potomac, Md. (\$15.50) 5/;
14. I.C. # 5032 - On November 28, 1981, an unlawful charge of \$35 for the transportation of five passengers 4/ from Washington National Airport 2/ to Rouen Lane, Potomac, Md. (\$24.35) 5/;
15. I.C. # 5052 - On December 1, 1981, an unlawful charge of \$13.10 for the transportation of one passenger from Washington National Airport 2/ to M Street, N. W., Washington, D. C. (\$6.35) 5/;
16. I.C. # 5074 - On December 18, 1981, an unlawful charge of \$11 for the transportation of one passenger from Washington National Airport 2/ to Connecticut Avenue, N. W., Washington, D. C. (\$6.95) 5/;
17. I.C. # 6030 - On February 4, 1982, an unlawful charge of \$12 for the transportation of two passengers 4/ from Washington National Airport 2/ to Georgetown University, Washington, D. C. (\$7.25) 5/;
18. I.C. # 6040 - On January 4, 1982, an unlawful charge of \$10.10 for the transportation of one passenger from Washington National Airport 2/ to 34th Street, N. W., Washington, D. C. (\$7.85) 5/.

Additionally, it is alleged in several complaints that Mr. Sowemimo issued receipts containing insufficient information and failed to display his identification card. These practices are in contravention of Title 14, Sections 305.13 and 340.2 of the District of Columbia Rules and Regulations, the Compact, Title II, Article XII, Section 21 and Commission Order Nos. 67 and 91 issued pursuant thereto.

It is also alleged in numerous complaints that Mr. Sowemimo conducted himself in a rude, discourteous and disorderly manner in disregard for the safety, comfort and convenience of the complaining passengers. 6/ To the extent that such violations may constitute a "chilling" factor on members of the public seeking enforcement of the Commission-prescribed interstate rates for District of Columbia taxicabs, we note that they may constitute an unjust and unreasonable practice relating to taxicab fares.

In order to determine whether violations of the Compact have occurred, the Commission concludes that there appear to be reasonable grounds for instituting an investigation into the complaints cited above. Mr. Sowemimo will be directed to produce manifests of all interstate taxicab trips for the period commencing March 1, 1981, through February 19, 1982. Title 14, Section 355.1, District of Columbia Rules and Regulations. See also Compact, Title II, Article XII, Sections 10(b), 10(d) and 21. Mr. Sowemimo will be assessed an amount estimated to cover the costs of the investigation pursuant to Title II, Article XII, Section 19(a) of the Compact.

It is to be noted that on June 23, 1981, Mr. Sowemimo was counseled by the General Counsel of the Commission in reference to complaints received by the Commission concerning overcharges on interstate taxicab trips. Since the aforementioned date, the Commission has received seven additional complaints and Mr. Sowemimo has refused to respond to all Commission directives related thereto whether mailed or hand delivered.

Mr. Sowemimo is hereby notified that, in addition to the entry of further orders herein, the Commission may, should the evidence and applicable law so warrant, direct its staff to institute appropriate administrative proceedings before the District of Columbia Hackers' License Appeal Board and/or injunctive proceedings before the United States District Court for the District of Columbia. Moreover, the

6/ Title 14, District of Columbia Rules and Regulations, Section 350.3.

Commission reserves its right to refer any apparent violations of law to the Corporation Counsel of the District of Columbia for criminal prosecution in accordance with Title II, Article XII, Section 18(d) of the Compact and the "Memorandum of Agreement for the Enforcement of the Washington Metropolitan Area Transit Regulation Compact" executed in July 1964 by the Commission and the signatories to the Compact.

Finally, Mr. Sowemimo is hereby reminded that Rule No. 3-02 of the Commission's Rules of Practice and Procedure provides that "[a] person may be represented in any proceeding by an attorney at law admitted to practice before the United States District Court for the District of Columbia or before the highest court of the state wherein he resides." In the event respondent retains an attorney, counsel's appearance in this matter should be promptly submitted. Mr. Sowemimo is cautioned that his failure timely to retain an attorney may constitute a waiver of his right to counsel.

THEREFORE, IT IS ORDERED:

1. That the above-captioned investigation of the matters set forth herein is hereby instituted.

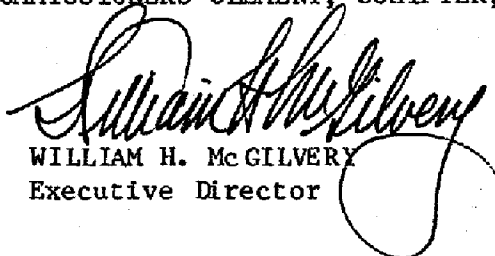
2. That Isaac Sowemimo is hereby made a party respondent to this proceeding.

3. That the above-docketed matter is hereby scheduled for public hearing to commence Tuesday, March 23, 1982, at 10:00 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

4. That Isaac Sowemimo is hereby directed to produce for inspection and photocopying all manifests of interstate taxicab trips in his possession for the period March 1, 1981, through February 19, 1982, at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon, Monday, March 15, 1982.

5. That Isaac Sowemimo is assessed \$300 pursuant to Title II, Article XII, Section 19 of the Compact, and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon, Monday, March 15, 1982.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER, AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director